

ANNAMITE CIVILIZATION

one was bom. It might also mean a return to the nomadic existence—the ultimate betrayal of the Chinese agricultural ideal. Law and religion combined to reinforce the links between family and commune, and of both together with the state. Immutability, isolation, and stagnation were, however, the price paid by Annam for social harmony and political tranquillity.

JUSTICE

Annamite law, in appearance only, is a masterpiece of incoherence, for underneath it has a fundamental unity. Unlike Roman law, it is not grouped around certain abstract ideals, but is inspired by daily living, with the result that it is over-detailed and lacking in clarity and order. One may recognize in it the various stages through which Annamite society has passed, for the code represents a continuous judicial effort covering more than four thousand years. Under the Chinese impetus, this code has passed through several degrees of civilization at a single bound, acquiring perhaps too easily the results of an experience which had cost other peoples centuries of struggle.

The sources of Annamite law are legion. *The Five Kings*, China's classical or canonical books, contain moral precepts which are a kind of non-codified law. There are also the statutes of the empire, the rulings of the six Ministries, the code of penalties and prohibitions, and the collection of rites. Custom is another great source of law, especially in a country where tradition has always been respected. The Annamite legislator, desirous of dealing with every possible case rather than to lay down general principles, naturally overlooked or could not foresee certain situations where custom-law must necessarily fill in. Knowing

the Annamite flair for contending every issue, the code has tried to place all possible disputes under family or communal arbitration, leaving the intervention of formal law only for those cases in which the social order is at stake. Because custom is inspired by the identical Confucianist precepts which are embodied in the code, there is no conflict of ideas in the settlement of civil or penal suits.

Legislation is the exclusive prerogative of the sovereign, who exercises it in an absolute albeit paternalistic fashion. No latitude is left to the magistrate, who has nothing to do but apply the specific penalty allotted to each crime, and who is himself punished for showing any initiative in interpreting the law. No one dreamed of modifications or commentaries, His emperors were too sure of their authority to conceive